

BoxInterferences@uspto.gov
Telephone: 571-272-4683

Paper 1
DECLARED 21 August 2009

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,714 (RT)
(From Technology Center 1600)

Regents of the
UNIVERSITY OF CALIFORNIA
(US 7,388,071)
Junior Party,

v.

DANA-FARBER CANCER INSTITUTE, INC.
(09/830,400),
Senior Party.

DECLARATION - BD.R. 203¹

By RICHARD TORCZON, *Administrative Patent Judge*.

A. DECLARATION OF INTERFERENCE

An interference is declared pursuant to 35 U.S.C. 135(a). Details of the application, patent, count, and claims designated as corresponding to the count appear under headings E and F.

¹ "Bd.R. x" may be used to abbreviate "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

B. DESIGNATION TO MANAGE

Administrative Patent Judge Richard Torczon has been designated to manage the interference. Bd.R. 104(a).

C. STANDING ORDER

A copy of the Standing Order (SO, Paper 2) accompanies this declaration. The Standing Order applies to this contested case.

D. CONFERENCE CALL TO SET DATES

A telephone conference call to set dates for action in this contested case is scheduled for 2 p.m. (Eastern) on 21 October 2009. (The Board will initiate the call.)

No later than 19 October 2009, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd.R. 120; Bd.R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the Standing Order. The parties are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. A party requesting more or less time should be prepared to justify the request.

E. THE PARTIES TO THIS INTERFERENCE

Junior Party

Patent: 7,388,071, granted 17 June 2008

Title: Composition and method for inducing and enhancing
a telomerase reverse transcriptase-reactive cytotoxic
T lymphocyte response

Inventor: Maurizio Zanetti of La Jolla, California

Senior Party

Application: 09/830,400, filed 20 July 2001

Title: Cancer immunotherapy and diagnosis using universal tumor associated antigens, including hTERT

Inventors: Lee M. Nadler of Newton, William C. Hahn of Waltham, Joachim L. Schultze of Brookline, and Robert H. Vonderheide of Brookline, all of Massachusetts

F. COUNTS AND CLAIMS OF THE PARTIES

Count 1

Either (1) an isolated peptide, or
(2) a peptide that binds to a human major histocompatibility complex class I A molecule,
wherein the peptide consists of the amino acid sequence:
Ile Leu Ala Lys Phe Leu His Trp Leu.

The claims of the parties are:

the University: 1-5

the Institute: 19

The claims corresponding to Count 1:

the University: 1, 2, 4, and 5

the Institute: 19

The claims not corresponding to Count 1:

the University: 3

the Institute: None

The benefit accorded for Count 1:

the University: 09//788,110, filed 15 February 2001; and
60/182,685, filed 15 February 2000.

the Institute: 09/830,400, filed 20 July 2001;
PCT/US99/25438, 29 October 1999.

G. HEADING TO BE USED ON PAPERS;
EXHIBIT NUMBERS

Addendum 1 provides the heading that shall be used on all papers
filed in the contested case. See SO ¶ 106.1.1.

The range of exhibit numbers is assigned as follows (Bd.R. 154(c)(1);
SO ¶ 154.2.1):

the Institute: 1001-1999.

the University: 2001-2999.

H. ORDER FORM FOR REQUESTING FILE COPIES

When requesting copies of files, use of Addendum 2 (SO Form 4) will
greatly expedite processing of the request. Please attach a copy of Parts E
and F of this DECLARATION with a hand-drawn circle around the patents
and applications for which a copy of a file wrapper is requested.

Attachment: None.²

Enclosure: Copy of Standing Order (Paper 2)

² For a United States patent listed in this paper, see <http://patft.uspto.gov/>;
see also <http://portal.uspto.gov/external/portal/pair> for prosecution histories
available to the public.

cc (overnight delivery):

Christine A. Lekutis, MORRISON & FOERSTER LLP, of San Francisco,
California

Ivor R. Elrifi and Cynthia A. Kozakiewicz, MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C., of Boston, Massachusetts

ADDENDUM 1: PAPER HEADING

Filed on behalf of: [Name of Party] Paper No. [Leave blank]

By: [Name of lead counsel]
Name of backup counsel
Street address
City, State, and ZIP Code
Tel:
Fax:

]

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TITLE OF PAPER

ADDENDUM 2: FILE COPY REQUEST
Patent Interference No. 105,714

Attach a copy of sections E and F of this declaration to this request.
On the copy, circle each patent and application that you are requesting.
Include the information indicated below to facilitate processing of this request.

Charge fees to:

1. USPTO Deposit Account No. _____
2. Complete delivery address, including street, city, state, ZIP code:

3. Telephone, including area code: _____

